

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**TROY OROSCO,
Individually and on behalf
of all others similarly situated,**

Plaintiff,

v.

**CHALK MOUNTAIN SERVICES OF
TEXAS, LLC**

Defendants.

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Civil Action No. 5:17-cv-00682-XR

**AGREED MOTION FOR CONFIDENTIAL APPROVAL OF ADDITIONAL
PLAINTIFFS TO COLLECTIVE ACTION SETTLEMENT AGREEMENT**

Named Plaintiff, Troy Orosco, individually and on behalf of the other individuals who have joined or will join this action by filing a consent-to-join form with the Court (“Plaintiff and the Opt-In Plaintiffs”), and Defendant Chalk Mountain Services of Texas, LLC (“Chalk”) (collectively “the Parties”) reached a proposed settlement in the above-captioned case, jointly moved the Court for approval of their proposed Fair Labor Standards Act (“FLSA”) and New Mexico Minimum Wage Act settlement, and this Court approved that settlement on March 27, 2018. [ECF No. 45].

As part of the settlement, Chalk prepared a list of workers who fit within the definition of the class (“Settlement List”). After the Settlement List was created, the parties sought approval of the settlement. However, in the interim between the creation of the Settlement List and the Court’s approval, seventeen workers who fit the class definition or were hired/transferred into the position covered by the Settlement. The Parties wish to include those individuals in the settlement and therefore seek court approval to include them.

The Parties have entered into an addendum to the Settlement Agreement and seek court approval.

In support of this Agreed Motion, the Parties are simultaneously filing under seal their Addendum to Confidential Settlement Agreement, as Exhibit A to Agreed Motion for Leave to File Settlement Agreement Under Seal [ECF Doc. No. 51], which establishes that the Parties' settlement is a fair and reasonable resolution of the Parties' *bona fide* dispute as to FLSA liability and damages. Further, the additional FLSA settlement fund compensates these additional seventeen Plaintiffs for their alleged unpaid overtime compensation in the same manner already approved by the Court.

WHEREFORE, based upon the above and the Parties' Settlement Agreement, the Parties respectfully request that this Court approve their FLSA settlement, enter the Proposed Order.

Date: June 18, 2018

Respectfully submitted,

By: /s/ Clif Alexander

Clif Alexander

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By: /s/ Carrie B. Hoffman

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ATTORNEY IN CHARGE FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2018, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Carrie B. Hoffman

Carrie B. Hoffman